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NATIONAL ABORIGINAL AND TORRES STRAIT ISLANDER SURVEY: LAW AND JUSTICE ISSUES

INTRODUCTION

The operation of the criminal justice system, including law enforcement, the courts and incarceration, are matters of public policy which impact particularly heavily on some sectors of the Aboriginal and Torres Strait Islander population. This was highlighted through the work of the Royal Commission into Aboriginal Deaths in Custody which presented its National Report in 1991.

The Royal Commission found that, generally speaking, the disproportionate level of custodial deaths of Aboriginal and Torres Strait Islander people which occurred nationally in the 1980s was a result of their disproportionate levels of incarceration, rather than systematic patterns of foul play, deliberate violence or brutality on the part of police or prison officers. It argued that the causes of the disproportionate involvement of Aboriginal and Torres Strait Islander people in the criminal justice system are to be found in the different levels and patterns of offending of Aboriginal and Torres Strait Islander people compared with those of other backgrounds; in the different patterns of policing and the operation of the courts; and in lifestyle differences, with Aboriginal and Torres Strait Islander people being disadvantaged in various domains including schooling, employment, health and housing, and experiencing discrimination, dispossession from land and the former policies of the forced removal of children from their families (Royal Commission into Aboriginal Deaths in Custody, 1991).

Owing to the absence of high quality information in many of these areas, the Royal Commission recommended, and all Australian Governments agreed, that the National Aboriginal and Torres Strait Islander Survey be conducted by the Australian Bureau of Statistics.

The 1994 National Aboriginal and Torres Strait Islander Survey included a number of questions relating to law and justice, its objective being to fill some of the gaps in information about Aboriginal and Torres Strait Islander people in the criminal justice system.

The survey design used multi-stage sampling, with stratification on Aboriginal and Torres Strait Islander Commission Regions. A sample of approximately 15,700 (about 6.6%) of the Aboriginal and Torres Strait Islander people was interviewed. A sample of prisoners was also included in the survey to ensure that estimates at the State/Northern Territory and national levels reflect the characteristics and attitudes of all Aboriginal and Torres Strait Islander people (ABS, 1994).

Main findings

Of the 197,500 Aboriginal and Torres Strait Islander people aged 13 years and over in 1994:

- About 37% considered that police do a good job in dealing with crime in their area.
- About 15% reported that they both needed and had used legal services in the 12 months prior to the survey.
- About 45% felt that family violence was a common problem in their area.
- More than 1 in 8 (13%) reported that they were physically attacked or verbally threatened in the 12 months prior to the survey.
- Over 20% reported having been arrested (including being detained by police for public drunkenness) in the five years prior to the survey (i.e. 1989-94).

Perceptions of police performance

Aboriginal and Torres Strait Islander people other than those in prison were asked about their perceptions of police performance in dealing with crime, violence and family violence in their local area. Approximately 37% of the persons aged 13 years and over thought that police performed well in dealing with crime and with violence. A lower proportion (30%) expressed satisfaction at police dealings with family violence (table S3.1).

The main reasons given for dissatisfaction with police in dealing with crime, violence and family violence were that they were too slow to respond, they did not have an understanding of Aboriginal and Torres Strait Islander people or culture, and they did not fully investigate. A relatively low proportion of persons gave lack of police or patrol cars as the reason they were dissatisfied with police.

S3.1 PERCEPTIONS OF POLICE PERFORMANCE(a) - 1994

Perception	Dealing with crime %	Dealing with violence %	Dealing with family violence %
Police do a good job	36.9	36.7	30.3
Police sometimes do a good job	16.4	15.7	13.0
Police don't do a good job	27.3	22.3	20.6
Don't know/not stated	19.3	25.3	36.1
Total	100.0	100.0	100.0

(a) By Indigenous persons aged 13 years and over.

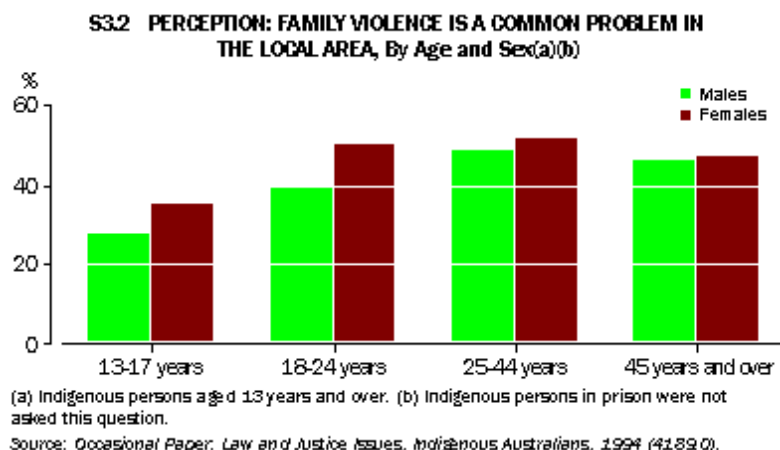
Source: National Aboriginal and Torres Strait Islander Survey, Detailed Findings, 1994 (4190.0). Source: National Aboriginal and Torres Strait Islander Survey, Detailed Findings, 1994 (4190.0).

Perceptions of family violence

In 1994, 45% of Aboriginal and Torres Strait Islander people felt that family violence was a common problem in their area, 24% felt that it was not and 31% stated that they did not know.

While similar proportions of males and females were unsure, a higher proportion of females (48%) than of males (42%) felt it to be a common problem in the local area.

The highest proportion of people who perceived that family violence was a common problem in their area was among people 25-44 years of age. The teenagers 13-17 years old had the lowest level of perception of family violence (31%). The different perceptions of males and females was particularly marked in the 18-24 years age group: while 50% of 18-24 year old females felt family violence to be a common problem in the area, only 39% of males felt this way. Similar proportions of males and females in the older (25-44 and 45+ years) age groups considered that it was a common problem (see graph S3.2).



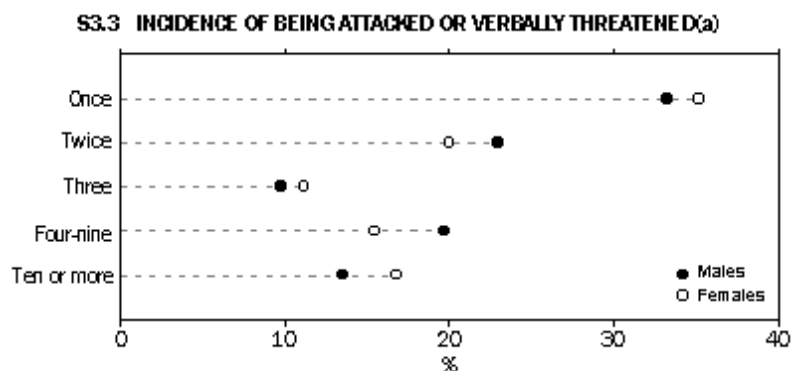
Although substantial proportions of respondents from both the urban and rural areas saw family violence as a common problem locally, this perception was more widely held in the non-capital city urban areas (51% of respondents) and rural areas (49%) than in the capital cities (32%). Women in the non-capital urban areas were most likely to perceive family violence to be a problem (53%), whereas this was least likely among capital city males (28%).

Experience of criminal victimisation

Of Aboriginal and Torres Strait Islander people aged 13 years and above, 13% reported being physically attacked or verbally threatened in the 12 months prior to the survey. This compares with 2.5% of Australians aged 15 years and over who were assaulted (threatened with force or attacked), as measured in the 1993 Crime and Safety Survey (ABS, 1994).

Higher proportions of respondents in capital cities experienced this form of victimisation (17%) than people in other urban areas (12%) or rural areas (10%). Overall, a slightly higher proportion of Aboriginal and Torres Strait Islander males (14%) than females (12%) were attacked or verbally threatened. Males living in the capital cities experienced the highest incidence (19%), almost one in five.

Of the Aboriginal and Torres Strait Islander people aged 13 years and above who were attacked or verbally threatened in the year prior to interview, 66% were attacked or threatened more than once. This compared with 44% of assault victims from the 1993 National Crime and Safety Survey. Overall the frequencies were broadly similar for males and females; 17% of females had been victims 10 or more times, compared with 14% of males (graph S3.3).



(a) Indigenous persons aged 13 years and over who were attacked or verbally threatened in the 12 months prior to the survey.

Source: Occasional paper: Law and Justice Issues, Indigenous Australians, 1994 (41890).

About one-third (37%) of the last incidents of attack or verbal threat were reported to the police; 49% of the female victims, compared with 26% of the male victims, reported the last incident to the police.

Experiences with the law

Of the Aboriginal and Torres Strait Islander people aged 13 years and over, more than three times as many males were arrested as females, 31% compared with 9%. Compared with males, females had both lower level of arrests and a higher proportion who had been arrested only once, rather than more than once, over the five-year period (table S3.4).

A higher proportion of males were arrested more than once in the previous five years (19%) than were arrested just once (12%). Both the likelihood of arrest and the frequency of arrest were particularly high among males in the age groups 18-24 years and 25-44 years (47% and 38% respectively) compared with people in the other age groups.

As with males, females aged 18-24 years had a relatively high level of arrests, with 8.4% arrested once over the five years and 7.7% more than once.

S3.4 NUMBER OF TIMES ARRESTED IN THE LAST FIVE YEARS(a) - 1994

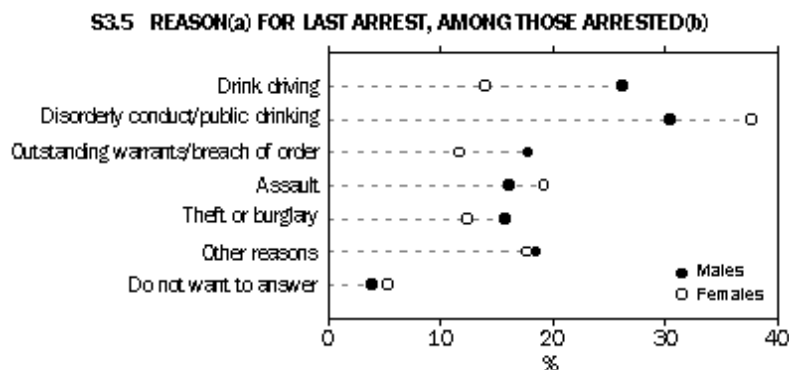
	18-24 years %	25-44 years %	All ages %
Males			
Arrested once	14.5	13.7	11.6
Arrested more than once	32.0	24.3	19.4
Females			
Arrested once	8.4	6.5	5.3
Arrested more than once	7.7	4.8	4.0

(a) Indigenous persons aged 13 years and over arrested during the five years prior to interview. Percentages refer to proportion of Indigenous population in Australia as a whole.

Source: Occasional Paper: Law and Justice Issues, Indigenous Australians, 1994

(4189.0).

The respondents who had been arrested were asked to identify the reason for their last arrest. Some gave more than one reason. The reason most frequently reported was 'disorderly conduct/ drinking in public' at 32%, followed by 'drink driving' offences at 23% (see graph S3.5).



(a) Persons may have given more than one reason for arrest. (b) Indigenous persons 13 years and over.

Source: Occasional Paper: Law and Justice Issues, Indigenous Australians, 1994 (4189.0).

For both male and female Aboriginal and Torres Strait Islander people, disorderly conduct/ drinking in public was the most common reason for the most recent arrest, (31% and 38%, respectively). The second most common reason for males was drink driving (26%); for females it was assault (19%).

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